

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, Case No.: 3:18-cv-01477-JR
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on
behalf of others similarly
situated,
Plaintiffs,
v.
NIKE, INC., an Oregon Corporation,
Defendant.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
JESSICA L. WESTERHOF
Ann Arbor, Michigan
Wednesday, April 21, 2021
Volume 1

Reported by:
LESLIE JOHNSON
RPR, CCRR, CSR No. 11451
Job No.: 4514710
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LINDSAY ELIZABETH, and HEATHER
6 HENDER, individually and on
behalf of others similarly
7 situated,
8 Plaintiffs,
9 v.
10 NIKE, INC., an Oregon Corporation,
11 Defendant.

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17 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF JESSICA L.
18 WESTERHOF, Volume 1, taken on behalf of Defendant, at
19 Ann Arbor, Michigan, beginning at 12:05 p.m. and
20 ending at 10:41 p.m., on Wednesday, April 21, 2021, before
21 LESLIE JOHNSON, Certified Shorthand Reporter No. 11451.
22
23
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25

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2

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17 Also Present:

18 STEVE TAGAMI, Videographer

19 ALISON SMITH, Nike

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1 was letting you know. But -- 03:09:11

2 Q Sure. That's fine.

3 A There was a female hired. Her name was

4 ██████████ And prior to her even being

5 interviewed, ██████████ looked her up on 03:09:20

6 Instagram, her name, and had mentioned to me, "Oh,

7 this is a good one," referring to her looks.

8 Obviously, we haven't met her, and we don't know

9 her -- we didn't know her full qualifications.

10 So it was the excitement that he had shown 03:09:38

11 based off of her physical appearance, not off of

12 what skills or qualifications she could bring to

13 this role to benefit our team. And she was one of

14 the Charlie's Angels.

15 Q Okay. Any other women you believe were 03:10:01

16 hired because they looked good and not for some

17 other reason?

18 A Well, that is the only one that I know

19 specifically. But all the Charlie's Angels --

20 that's what ██████████ called them -- they -- he called 03:10:13

21 them -- or ██████████ called them his Charlie's Angels.

22 So I don't know if that -- I can't speak

23 if that was -- they were hired because of their

24 looks, but they were referred to as his Charlie's

25 Angels, so -- but, yeah, the only one I know 03:10:32

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1 directly of -- or felt directly was because of [REDACTED] 03:10:39

2 [REDACTED]

3 Q And, when you said that [REDACTED] looked
4 up [REDACTED] Instagram page, was anyone -- you
5 were present when he did that? 03:10:53

6 A Yeah. I mean, yeah. And then he showed
7 me her page too.

8 Q Sorry. I might have missed what you just
9 said. Hold on.

10 A Oh. 03:11:07

11 Q Okay. Now I can see it.

12 A I don't believe anyone else was present
13 when he showed me her page.

14 Q Okay. And he just showed you her page
15 once? 03:11:35

16 A Yes. I did not need to see it again.

17 Q Okay. And he said this is a good one?

18 A Yes. Something along those lines. That
19 might not be an exact quote, but yeah. And then he
20 did do, I remember, an eyebrow -- like double 03:11:50
21 eyebrow raise, like (indicating). I don't know. I
22 can't -- I know you can't, like, write down actions
23 that I'm doing, but -- I don't know how to describe
24 it.

25 Q Yeah. Sorry. Okay. Did he say anything 03:12:05

1 A Yes. 03:18:45

2 Q Okay. More than 10?

3 A I'm not sure.

4 Q Okay. And who did you understand him to

5 be referring to when he used the phrase "Charlie's 03:18:56

6 Angels"?

7 A [REDACTED]

8 [REDACTED]

9 Q And when [REDACTED] would use that phrase,

10 what exactly would he say -- 03:19:27

11 A He would call them --

12 Q -- that you recall right now?

13 A He would call them [REDACTED]'s Charlie's

14 Angels. And he would point to the desks of the

15 three of them that sat down in the row to his left. 03:19:42

16 Q Okay. I guess, like, what was the context

17 when he would say that?

18 A Well, it really would come out of nowhere,

19 but it would just be -- someone could walk up to the

20 pod, and he would go "Have you seen my Charlie's 03:20:03

21 Angels yet?" And that's just one example I can

22 think of. It was very, like, bragging, boastful.

23 Q Okay. And you told me [REDACTED]'s job.

24 What about [REDACTED]? What was her role

25 at the time? 03:20:29

1 best one here. Okay. Maybe the third one, like the 08:30:13
2 one at the bottom, appears to be an email from Tanya
3 Morning to you, copy to Alison, Kori and Cory dated
4 Thursday, June 7, 2018.

5 Do you see that? 08:30:33

6 A Yes.

7 Q And it looks like Tanya wrote "Jessica,
8 I've scheduled time on your calendar for today at
9 2:00 p.m. Cory will follow up this morning with the
10 exact location on Beaverton Creek. See you soon." 08:30:45

11 Do you see that?

12 A Yes.

13 Q Okay. And, to the best of your
14 recollection, did you in fact meet with Tanya
15 Morning on Thursday, June 7, 2018? 08:30:54

16 A Yeah. I met with Tanya and Cory
17 Gillespie.

18 Q Okay. Anyone else in attendance?

19 A No. Not that I can remember.

20 Q Okay. All right. And you met with them 08:31:18
21 in person, correct?

22 A Yes.

23 Q And how long did your meeting last, if you
24 remember?

25 A I'm not sure. About an hour probably. 08:31:29

1 Q And what did you tell Tanya and Cory in 08:31:36
2 that meeting?

3 A I told them that I had been working --
4 doing the work, time and time again, taking on extra
5 responsibilities, including stretch assignments, 08:31:59
6 activities or extracurricular things around campus
7 to promote, like, a positive culture and, like,
8 development -- career development for men and women.

9 I had come to -- I had brought this to my
10 manager's attention several times and that it was 08:32:16
11 acknowledged that I was getting paid too little and
12 that I -- but nothing was being done about it, and
13 that I felt like I just -- every time I kept
14 bringing it up, it just kept getting pushed aside or
15 not taken seriously, which is why I felt the need to 08:32:39
16 reach out to the Diversity and Inclusion email
17 because I wasn't getting any answers or any --
18 nothing -- no progress was happening with my own
19 managers, with [REDACTED]

20 And then I also -- it was the -- like, the 08:32:58
21 verbal abuse that I -- that I felt I was receiving
22 from both [REDACTED] that was extremely
23 hurtful. It was, like -- it was very confusing and
24 misleading. It was ruining my -- they were ruining
25 my reputation around campus. 08:33:29

1 I wasn't able to do well in my role. When 08:33:32
2 I was struggling, I reached out for help, and
3 that -- my reach out for help was taken as -- wasn't
4 taken seriously, when we were in the weeds, that my
5 concerns were ignored. You know, I just wasn't 08:33:50
6 being taken seriously, and that I was killing myself
7 to prove myself and not -- I don't feel like I was
8 getting not only paid fairly, but, I mean, I was --
9 I don't believe I was getting treated fairly either.
10 I didn't have -- I had a manager who was 08:34:18
11 telling me that he didn't even have the time to
12 worry about our category and to invest time in me
13 and -- but also acknowledging at the same time that
14 I wasn't getting paid, you know, equitably for what
15 my roles and responsibilities were. 08:34:35
16 But then if it -- if there was any -- if I
17 brought up any other hesitations or concerns, it
18 just -- it didn't feel like I was really being
19 heard. And I just -- I needed to know from a source
20 that I thought -- I considered like a third party to 08:34:59
21 tell me, you know, if this was the right -- if this
22 is right or wrong, what is happening to me.
23 And so I needed -- I felt like I wanted HR
24 and ER to help, you know, calm -- or help, you know,
25 put my, like, worries and my concerns at ease. And 08:35:20

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1 so that's what I was hoping to get from this 08:35:26
2 conversation was a little sense of clarity of where
3 I do fall. What can I do? Why am I being rated or
4 being paid this way? What makes me different from
5 anyone else? 08:35:39

6 You know, I explained my story and the
7 things that I felt like I was being treated unfairly
8 from, and I -- yeah. That's what the -- I can't
9 remember everything specifically, but

10 Q Okay. I guess, just to close it out, 08:36:02
11 anything else you recall telling Tanya and Cory in
12 that meeting that you haven't already mentioned?

13 A I can't think of anything at this time.

14 Q Okay. So a moment ago you referred to
15 verbal abuse that you felt you were receiving from 08:36:42
16 both [REDACTED]

17 A Yes.

18 Q What's the verbal abuse that you felt you
19 were receiving from [REDACTED]

20 A Well, before [REDACTED] went on his sabbatical 08:36:57
21 in April 2018 -- or no. I'm sorry. That was -- oh,
22 no. Wait. That was before that -- this one. This
23 was before his sabbatical, I believe, in April 2018.
24 But he had -- man, I want to -- I'm pretty sure this
25 was it. 08:37:42

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1 But he had -- it was his sabbatical at 08:37:43
2 that time, but also his wife was pregnant with their
3 third kid, which he left for his paternity leave
4 later in that year. That's the last one I was
5 covering when I left in October 2018. But he had 08:37:56
6 just gotten a new car to accommodate for now his
7 soon to be family of five, and it was a Chevy Tahoe.
8 And I was going to cover for him yet again in
9 another stretch assignment.
10 And, before he had left officially for his 08:38:09
11 leave, he had said that he had concerns about what
12 he was going to come back to when I -- when he got
13 back from his sabbatical. I asked him what he
14 meant, and he said, "Well, take this Chevy Tahoe,
15 for example." He was like, "I know when I give you 08:38:30
16 the keys" -- "I'm about" -- or "I'm about to hand
17 the keys over to this Chevy Tahoe, and I know when I
18 get it back, it's going to be clean and it's going
19 to be filled with gas and it's going to be shiny.
20 You're going to even give it a car wash. What I am 08:38:44
21 not sure of is that when I get that car back and I'm
22 driving down the street, everyone is going to be
23 pointing at that car and saying 'Look out for that
24 bitch coming through.'
25 So, I mean, he referred to -- that's what 08:38:58

1 he said. 08:39:07

2 Q I guess I don't understand how -- how is
3 he relating the car to you?

4 A Well, I'm covering him. So while I'm
5 covering him, I'm in the driver's seat. But the 08:39:29
6 windows are tinted, so you can't see through. Maybe
7 they don't know that, when he gets the car back,
8 it's him, not me. Well, he doesn't want me to ruin
9 his reputation or ruin -- or create a bad image for
10 him while he's gone, by referring to me as a bitch 08:39:47
11 taking his place. I mean, yeah. Does that help?

12 Q Okay. And I guess -- did he then -- did
13 he explain that analogy exactly or was that what you
14 inferred from what he said?

15 A Oh, no. That's exactly what he said. 08:40:12
16 Because I didn't understand him, and he literally
17 said to me, "Let me put it this way. I'm about to
18 hand the keys over of this Tahoe to you, and I know
19 when I get it back," et cetera, whatever I said
20 before. So he literally said that to me. 08:40:27

21 Q Okay. And when he said that, how did you
22 respond to him?

23 A Well, since it was said on campus and
24 during work hours, and it caught me off guard, I
25 mean, I didn't react. I didn't find it funny. I 08:40:48

REPORTER'S CERTIFICATION

I, Leslie Johnson, a Certified Shorthand Reporter of the State of California, do hereby certify:


That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: May 11, 2021

A handwritten signature in cursive script that reads "Leslie Johnson". The signature is written in dark ink and is positioned above the printed name.

LESLIE JOHNSON

CSR No. 11451, RPR, CCRR

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